

Certified True Copy

By   
Virginia Board of Nursing



RECEIVED

FEB 05 2015

VA BD OF NURSING

COMMONWEALTH of VIRGINIA

David E. Brown, D.C.  
Director

Department of Health Professions

Perimeter Center  
9960 Mayland Drive, Suite 300  
Henrico, Virginia 23233-1463

www.dhp.virginia.gov  
TEL (804) 367-4400  
FAX (804) 527-4475

February 4, 2015

Kimberly Anne Liggett  
310 Riverside Avenue  
Scotia, NY 12302

CERTIFIED MAIL

DUPLICATE COPY  
VIA FIRST CLASS MAIL

RE: License No.: 0001-226570

DATE 2/4/15

Dear Ms. Liggett:

Pursuant to Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), you are hereby given notice that your license to practice nursing in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered February 4, 2015. You are hereby advised that, pursuant to Section 54.1-2409.1 of the Code, any person who practices a profession or occupation after having their license or certificate to do so suspended shall be guilty of a felony. Please return your license to Jay P. Douglas, Executive Director of the Virginia Board of Nursing, at the above address, immediately upon receipt of this letter.

Section 54.1-2409 of the Code further provides that you may apply to the Board of Nursing ("Board") for reinstatement of your license, and shall be entitled to a hearing not later than the next regular meeting of the Board after the expiration of sixty days from the receipt of such reinstatement application. You have the following rights, among others: to be represented by legal counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. The reinstatement of your license shall require the affirmative vote of three-fourths of the members present of the Board of Nursing.

Should you wish to petition the Board of Nursing for reinstatement of your license, contact Jay P. Douglas, Executive Director, at the above address or (804) 367-4599.

Sincerely,



Jaime H. Hoyle, Esquire, Chief Deputy Director  
Department of Health Professions

Enclosures  
Case # 161452

VIRGINIA:

**BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS**

**IN RE:           KIMBERLY ANNE LIGGETT, R.N.**  
**License No.: 0001-226570**

**ORDER**

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, Jaime H. Hoyle, Esquire, Chief Deputy Director of the Virginia Department of Health Professions, received and acted upon evidence that the Montana Board of Nursing accepted the voluntary surrender, in lieu of further disciplinary action, from Kimberly Anne Liggett, R.N., of her license to practice nursing in the State of Montana by a Stipulation and Final Order dated January 21, 2015. A certified copy of the Stipulation and Final Order is attached to this Order and is marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the privilege of Kimberly Anne Liggett, R.N., to renew her license to practice nursing in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the license of Kimberly Anne Liggett, R.N., will be recorded as suspended. Should Ms. Liggett seek reinstatement of her license pursuant to Section 54.1-2409 of the Code, she shall be responsible for any fees that may be required for the reinstatement and renewal of her license prior to issuance of her license to resume practice.

Pursuant to Sections 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection and copying upon request.

  
\_\_\_\_\_  
Jaime H. Hoyle, Esquire, Chief Deputy Director  
Department of Health Professions

ENTERED: 2/4/2015



# COMMONWEALTH of VIRGINIA

David E. Brown, D.C.  
Director

## Department of Health Professions

Perimeter Center  
9960 Mayland Drive, Suite 300  
Henrico, Virginia 23233-1463

www.dhp.virginia.gov  
TEL (804) 367- 4400  
FAX (804) 527- 4475

### CERTIFICATION OF DUPLICATE RECORDS

I, Jaime H. Hoyle, Esquire, Chief Deputy Director of the Department of Health Professions, hereby certify that the attached Stipulation and Final Order dated January 21, 2015, regarding Kimberly Anne Liggett, R.N., is a true copy of the records received from the Montana State Board of Nursing.

  
\_\_\_\_\_  
Jaime H. Hoyle, Esquire

Date: 2/4/2015

**BEFORE THE BOARD OF NURSING  
STATE OF MONTANA**

In the Matter of the Proposed Discipline of  
**KIMBERLY LIGGETT,**  
Registered Nurse, License No. 40012.

Case No. 2014-NUR-LIC-1179  
  
**STIPULATION AND FINAL ORDER**

The Business Standards Division of the Department of Labor and Industry of the State of Montana (Department), through its legal counsel and Kimberly Liggett (Licensee), stipulate and agree as follows:

1. Jurisdiction. Licensee is licensed as a registered nurse (RN) by the State of Montana Board of Nursing (Board), Montana License No. 40012. The Board has subject matter jurisdiction in this matter.

2. Waiver of Rights. Licensee has read and understands each term of the *Notice of Proposed Board Action and Opportunity for Hearing* (Notice) and this Stipulation, and understands the various rights provided, including the right to a hearing before an impartial hearing examiner, the right to present evidence and testify and confront and cross-examine witnesses at the hearing, the right to be represented by legal counsel, the right to subpoena witnesses, the right to request judicial review and appeal, and all other rights under Mont. Code Ann. Title 2, ch. 4, pt. 6 (Montana Administrative Procedure Act), Title 37, ch. 1 and 8, and other applicable law. Licensee desires to avoid unnecessary expenditure of time and other valuable resources to resolve this matter. Therefore, Licensee voluntarily and knowingly waives the rights listed above and elects to resolve this matter on the terms and conditions of this Stipulation and acknowledges that no promise, other than those contained in this Stipulation, and no threat or improper assertion has been made by the Board or Department or by any member, officer, agent or representative of the Board or Department to induce Licensee to enter into this Stipulation.

**Stipulation and Final Order**  
In Re Kimberly Liggett, Case No. 2014-NUR-LIC-1179



3. Release. This Stipulation is a final compromise and settlement of this contested case proceeding. Licensee, assigns agents and representatives of Licensee, release the Board, its members, officers, agents, or representatives from any and all liability, claim, and cause of action, whether now known or contemplated, including but not limited to, any claims under Mont. Code Ann. Title 2, ch. 9, pt. 3 (Montana Tort Claims Act), as amended, or any claim arising under 42 U.S.C. § 1983, which now or in the future may be based upon, arise out of, or relate to any of the matters raised in this case, its processing, investigation, litigation, or from the negotiation or execution of this Stipulation.

4. Entire Agreement. This Stipulation contains the entire agreement of the parties. All prior discussions and writings are superseded by this Stipulation, and no discussion by the Board prior to the approval of this Stipulation may be used to interpret or modify it. Any modification requires a written amendment signed by both parties and final Board approval.

5. Severability. If a court or administrative tribunal declares any term or condition contained in this Stipulation to be unenforceable for any reason, the unenforceable term or condition shall be severed from the remainder of this Stipulation, and the remainder of this Stipulation shall be interpreted and enforced according to its original intent.

6. Reservation. This Stipulation does not restrict the Board from initiating disciplinary action concerning allegations of unprofessional conduct that occur after the date Licensee signs this Stipulation or concerning allegations of conduct not specifically mentioned in this Stipulation that are now known to the Board or yet to be discovered.

7. Stipulation Subject to Final Approval. This Stipulation is subject to final approval by the Board.

8. Renewed Right to Hearing – Inadmissibility of Stipulation. If the Board considers and does not approve this Stipulation, it is withdrawn and may not be considered as evidence for any purpose. Licensee will have a renewed 20 days from the date of the publicly noticed Board meeting to submit a written request for a hearing in this matter. Failure by Licensee to

request a hearing constitutes a default and allows the Board to enter a Final Order of discipline against Licensee. If, instead, this case proceeds to hearing, Licensee will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation or of any record relating to this Stipulation.

9. Entry of Final Order – Stipulated Facts and Violations. Licensee consents to the entry of a Final Order in this matter to the extent that it is consistent with this Stipulation and has final approval by the Board. The following are the unconditionally admitted facts and violations that support the disciplinary sanctions specified below.

Licensee is licensed by the Montana Board of Nursing (Board) to practice as a registered nurse (RN), holding Montana License No. 40012. At all times relevant, the license was current. The license will lapse if not renewed on or before December 31, 2014.

Pursuant to Admin. R. Mont. (ARM) 24.159.2106, Licensee was randomly selected for an audit of completed continuing education (CE) contact hours for the license renewal period of January 1, 2011 through December 31, 2012.

On October 17, 2013, the Department sent Licensee a notice letter apprising her of the audit and requesting that she provide proof of completed CE on or before October 31, 2013. The letter was sent to Licensee's address on record with the Board office.

On November 14, 2013, the Department sent a second notice letter to Licensee requesting proof of CE after Licensee failed to respond to the first notice letter. Licensee was given an additional 14 days to submit proof of completed CE.

On January 17, 2014, the Department sent Licensee an email requesting that she provide proof of completed CE after she again failed to respond.

On March 17, 2014, the Department sent a second chance letter to Licensee requesting proof of completed CE within 14 days.

On September 9, 2014, a board-generated complaint was filed against Licensee after she failed to provide proof of completed CE or otherwise respond to the audit.

Licensee did not respond to the complaint.

On December 2, 2014, the Screening Panel found reasonable cause to believe Licensee committed unprofessional conduct and moved to initiate disciplinary proceedings.

The Board has subject matter jurisdiction and legal authority to bring this action under Mont. Code Ann. §§ 37-1-131, 37-1-136, 37-1-307, 37-1-309 and Title 37, ch. 8.

Licensee's failure to respond or otherwise comply with a CE audit conducted by the Department on behalf of the Board constitutes unprofessional conduct under ARM 24.159.2301(2)(t).

10. Stipulated Disciplinary Sanctions. Upon acceptance of this Stipulation by the Board, Licensee agrees to the following sanction:

- a. Licensee is hereby reprimanded for failing to respond or otherwise comply with a CE audit conducted by the Department on behalf of the Board.
- b. Within three months of entry of the Final Order in this matter, Licensee shall submit to the Board office certificates showing proof of completed CE contact hours for the license renewal period of January 1, 2011 through December 31, 2012. The completed CE must comply with the requirements of Admin. R. Mont. 24.159.2101 - .2102, 24.159.2104, and 24.159.2106.
- c. Within 6 months of entry of the Final Order in this matter, Licensee shall submit to the Board office certificates showing proof of completed CE contact hours for the license renewal period of January 1, 2013 through December 31, 2014. The completed CE must comply with the requirements of Admin. R. Mont. 24.159.2101 - .2102, 24.159.2104, and 24.159.2106.
- d. If Licensee renews her license to practice in Montana for January 1, 2015 through December 31, 2016, she shall be subject to the CE audit for that license renewal period.
- e. Licensee shall pay an administrative fine in the amount of **\$150**, payable to the Board by cashier's check or money order, and such payment shall be tendered to the Department at:

Department of Labor and Industry  
301 South Park Avenue  
P.O. Box 200514  
Helena, MT 59620-0514

no later than 30 days following the execution of the Final Order in this matter. Mont. Code Ann. § 37-1-312(1)(h).

- f. In lieu of the above-identified conditions, Licensee may voluntarily and permanently surrender her Montana license to the Board. Licensee cannot apply for reinstatement of his license or apply for any new license to be issued by the Board for a period of five years beginning on the date a Final Order is entered in this matter. Should Licensee later wish to return to practice in Montana, Licensee must apply for a new license from the Board and satisfy all requirements for licensure then applicable at the time of his application. Within 30 days of entry of a Final Order in this matter, Licensee shall forward her

license, pocket card, and/or any other indicia of licensure to the Board office at the following address:

Board of Nursing  
301 South Park Avenue  
P.O. Box 200514  
Helena, MT 59620-0514

- g. If Licensee is no longer in possession of her license, pocket card, and/or other indicia of licensure, she can satisfy the requirement of surrendering her license by executing a sworn statement indicating she searched for but was unable to find her license documents, and wishes to surrender her license by her signed writing.


11. Public Documents. The Notice and this Stipulation and Final Order issued by the Board are public documents that the Department, at minimum, must make publicly available on the Department's website and professional databases, and may otherwise distribute to other interested persons or entities.

12. Complying with the Terms of the Stipulation. Licensee's failure to strictly abide by the terms of the Stipulation shall constitute a violation of the Final Order of the Board.

**I understand that I have the option of proving completion of required CE contact hours and paying an administrative fine, or surrendering my license if I no longer intend to practice nursing in the state of Montana. By indicating which option I agree to below and signing this Stipulation, I agree to the terms of this Stipulation and its adoption and incorporation into the Board's Final Order in this matter.**

I agree to prove completion of required CE contact hours and pay an administrative fine, pursuant to paragraph 10(b)-(e) of this Stipulation.

I no longer intend to practice nursing in the state of Montana and agree to voluntarily and permanently surrender my license, pursuant to paragraph 10(f)-(g) of this Stipulation.

  
Kimberly Liggett  
Licensee

1-5-15  
DATE

  
Kevin G. Maki  
Department Counsel  
Montana Board of Nursing


01-13-2015  
DATE



**FINAL ORDER**

The Montana Board of Nursing (Board) enters as its Findings of Fact and Conclusions of Law, the stipulated facts and violations as stated in the Stipulation. The Board, giving primary consideration to the sanctions that are necessary to protect and compensate the public and secondary consideration to any sanctions designed to rehabilitate Kimberly Liggett (Licensee), approves, adopts, and incorporates the Stipulation into this Final Order.

DATED this 21 day of January, 2015.

  
Presiding Officer, Adjudication Panel  
Montana Board of Nursing

**CERTIFICATE OF SERVICE**

I certify I served a true and accurate copy of the foregoing ***STIPULATION AND FINAL ORDER*** via United States Postal Service, first-class postage prepaid, on the following:

KIMBERLY LIGGETT  
310 RIVERSIDE AVENUE  
SCHENECTADY NY 12302

DATED this 22 day of January, 2015.

  
Department of Labor and Industry